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EXAMINER

DELGADO, MICHAEL A

ART UNIT PAPER NUMBER

2144

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,802

Applicant(s)

SUNDARAM ET AL.

Examiner

Michael S. A. Delgado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/10/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/06/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0083882 by Schemers III et al and US 2002/0128017 by Virtanen in view of US 6,674,713 by Berg et al.

In claim 1, Schemers teaches about a communications network comprising (Fig 1):

a media server "voice server" (Fig 1,3) (Col 27, Para 74, lines 1-11);

a document server communicatively coupled to the media server (Fig 1, 4) (Col 2, Para 21, lines 1-8);

a media gateway "voice browser" (Fig 1, 2) (Col 2, Para 21, lines 1-8); and

but does not explicitly teach about a call controller which handles session reliability based on individual quality of service profile. It is well known in the art that the world wide web is susceptible to error and to provide a reliable source of information there has to be an error

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detection and recovery system. This is evident from Berg invention where a call controller “Media gateway controller” configured to provide reliability handling for events experienced during a call session between the media server (“remote port” that provide service) and the media gateway “gateway 104” (Col 1, line 65- Col 2, line 5) (Col 2, lines 50-67) (Col 6, lines 30-40).

It is well known in the art for individuals to request different type of reliability base on their application. Virtanen teaches about a system in which different profiles are created in order to support different data services (Col 1, Para 3, lines 1-15). In providing a service it is customary to for a service provider to offer a certain amount of guarantee to support a particular application. Each application requires a different reliability for successful operation and by creating a profile for each customer, service provider are better able to tailor service to meet individual customer need (Col 1, Para 4, lines 1-27)

It would have been obvious at the time of the invention for some one of ordinary skill to use a reliability scheme in order to guarantee quality of service base on individual customer need.

It is customary for a client who is a user of the web, to be given a service guarantee by a network provider. This guarantee is written within the contract and to maintain this quality of service, a service provider has to put in place some kind of error detection and recovery scheme to assure the quality of a session.

In claim 2, Schemers and Virtanen combined with Berg, teaches about a communications network of claim 1 wherein the reliability handling includes the provisioning of voice extensible

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markup language (VXML) instructions to the media server to retrieve applications from one or more document servers (Schemers Col 2, Para 22, lines 1-6).

In claim 3, Schemers and Virtanen combined with Berg, teaches about a communications network of claim 2 wherein the VXML instructions include uniform resource locators (URLs) identifying the location of the applications (Schemers Col 3, Para 28, lines 6-12).

In claim 4, Schemers and Virtanen combined with Berg, teaches about a communications network of claim 2 wherein the media server comprises a VXML engine (Schemers Col 2, Para 23, lines 1-7).

In claim 5, Schemers and Virtanen combined with Berg, teaches about a communications network of claim 4 wherein the media gateway is coupled to receive inbound calls from a telephone network (Schemers Col 2, Para 20, lines 7-13).

In claim 6, Schemers and Virtanen combined with Berg, teaches about a communications network of claim 4 wherein the call controller includes an interface adapted for communication with an enterprise call router (Berg Col 7, lines 10-15).

In claim 7, Schemers and Virtanen combined with Berg, teaches about a communications network of claim 1 wherein the reliability handling includes one or more of call rejection or call transfer (Berg Col 8, lines 35-50).

In claim 9, Schemers and Virtanen combined with Berg, teaches about a communications network of claim 1 wherein the document server is a VXML document server and the

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applications are VXML applications and the VXML document server stores the VXML applications to be executed by the media server. (Schemers Col 2, Para 24, lines 1-6).

In claim 11, Schemers and Virtanen combined with Berg, teaches about a method, comprising (Schemer Fig 1) (Berg Fig 3):

recognizing an event in a call flow process for an automated communication session in which the media server ("remote port" that provide service) interacts with a caller through a media gateway "gateway 104" (Berg Col 6, lines 30-50) (Berg Col 8, lines 35-50); and providing application profiles specifically set up for separate individual customers to be executed by the media server in the call flow process (Virtanen Covered in claim 1);

providing a document server communicatively coupled to the media server and the media gateway (Virtanen Covered in claim 1); and

invoking, in response to recognizing the event an application server communicatively coupled with the media server, document server and the media gateway, initiating one or more reliability handlers for responding to the event according to the application profiles for the automated call session (Schemers Col 2, Para 20, lines 1-14) (Berg Col 8, lines 35-50).

In claim 12, Schemers and Virtanen combined with Berg, teaches about a method of claim 11 wherein the reliability handlers provide one or more of:

uniform resource locators (URLs) at which applications to be executed by the media server are located, call rejection instructions, or call transfer destination telephone numbers (Schemers Col 3, Para 28, lines 6-12) (Berg Col 6, lines 30-40).

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In claim 13, Schemers and Virtanen combined with Berg, teaches about a method of claim 12 wherein the URLs correspond to documents stored at the application server (Schemers Col 2, Para 24, lines 1-6).

In claim 14, Schemers and Virtanen combined with Berg, teaches about a method of claim 12 wherein the URLs correspond to documents stored at one or more of the document servers communicatively coupled to the media server (Schemers Col 2, Para 24, lines 1-6).

In claim 15, Schemers and Virtanen combined with Berg, teaches about a method of claim 11 wherein the reliability handlers respond to the event by transmitting instructions to the media server to retrieve backup documents for processing a call from one or more document servers (Berg Col 6, lines 30-50).

In claim 16, Schemers and Virtanen combined with Berg, teaches about a method of claim 15 wherein the backup documents comprise one or extensible markup language (VXML) applications (Schemers Col 2, Para 24, lines 1-6).

In claim 17, Schemers and Virtanen combined with Berg, teaches about a method of claim 11 wherein the event comprises one of: a timeout during communication between the media server and a document server, a document server error, a communication error between the document server and the media server, a page error, a resource failure error, an XML timeout error, an unexpected response from the document server, a call transfer process

initiated by the media server, a call queuing operation initiated by the media server, a script execution initiated by an enterprise call router communicatively coupled to the application server, or a carrier-based transfer connect process requested by the media server (Berg Col 3, lines 5-15).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US 6,766,298 by Dodrill et al, teaches about an application server configured for dynamically generating web pages for voice enabled web applications.

US 2003/0009337 by Rupsis et al, teaches about an enhanced media gateway control protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923

. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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